

### REMARKS

In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration of the present application. At the time of the outstanding Office Action, March 3, 2009, claim 1, 3-8, 10-15, 17-21, 23-30 and 32 were pending. By this Response claim 33-35 are newly added. No new matter has been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with appropriate status identifiers.

### 35 U.S.C. § 103 Rejections

Claims 1, 3-8, 10-15, 17-21, 23-30 and 32 stand rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent No. 6,175,917 to Arrow *et al.* (Arrow) in view of U.S. Patent Publication No. 2001/0042201 to Yamaguchi *et al.* (Yamaguchi) and in further view of U.S. Patent No. 6,678,827 to Rothermel *et al.* (Rothermel). Because the cite art does not teach or suggest each of the limitations of the instant claims, Applicant traverses.

Consider claim 1, which recites, in part:

**wherein in response to receiving a request from a first IP processing apparatus to communicate with a second IPsec processing apparatus, the IPsec setting apparatus transmits a request to the second IPsec processing apparatus and upon receiving a reply to the request from the second IPsec processing apparatus the IPsec setting apparatus transmits a common encryption key to the first and second IPsec process apparatuses to be used to encrypt and authenticate IPsec communications between the first and second process apparatuses.**

The cited art does not teach or suggest at least this feature. The Office Action acknowledges that neither Arrow nor Yamaguchi teaches or suggests this subject matter. Accordingly the Office Action cites to Rothermel as disclosing VPN units [NSDs] making a request to the VPN management unit [supervisor device] in order to communicate with other VPN units [NSDs]. However, Rothermel is completely silent on an NSD making a request to communicate with another NSD. Rothermel merely discusses that security for communication between an NSD and and supervisor devices can be provided in a variety of ways. Rothermel only states:

... For example, any of the information transmitted between the NSDs and the supervisor devices and between the supervisor devices and the manager device can be protected from unauthorized access by encrypting the information (e.g., using Data Encryption Standard (DES) in Cipher Block Chaining (CBC) mode) (Col. 5, lines 53-59.)

Thus, Rothermel makes no mention of an NSD making a request to communicate with another NSD, much less an NSD making a request to the supervisor devices to communicate with another NSD. Consequently Rothermel does not disclose the limitation of a first IPsec processing apparatus making a request to the IPsec setting apparatus to communicate with a second IPsec processing apparatus. For at least the foregoing reasons the instant claims define over the cited art.

Claim 8 likewise recites, in part: the request to the IPsec setting apparatus from the first IPsec processing apparatus for communication with the second IPsec processing apparatus; claim 15 recites, in part: wherein the IPsec processing apparatus transmits a request for communication with the other IPsec processing apparatus to the IPsec setting apparatus in order to receive from the IPsec apparatus a setting for IPsec communication; and claim 21 recites, in part: receiving from a first IPsec processing apparatus a request for communication with a second IPsec processing apparatus. Thus claims 8, 15 and 21 also define over the cited art.

Claims 3-7, 10-14, 17-20, 23-30 and 32 depend from claims 1, 8, 15 and 21, respectively, and therefore also define patentable subject matter. Accordingly, Applicant respectfully requests withdrawal of the instant rejections.

#### **The New Claims Define Over the Cited Art**

New dependent claims 33-35 are presented to more particularly point out and claim features of the network. Support for the new claims may be found, at least, for example at ¶¶ 0084-0089 and Figs. 3 and 4 of the instant published application. These claims depend from and therefore incorporate the features of independent claim 1 as discussed above. Thus, for at least the foregoing reasons the new claims define over the cited art. Accordingly, Applicant respectfully requests allowance of the instant claims.

**CONCLUSION**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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